

REMARKS

Although Claim 2 has been allowed, the Official Action rejects Claims 1 and 3-20 under 35 U.S.C. §103(a). In this regard, Claims 1, 3, 4, 7 and 8 are rejected as being obvious over U.S. Patent No. 3,116,528 to Lloyd R. Poe in view of U.S. Patent No. 4,027,847 to Clavin R. Johnson. The Official Action also rejects Claims 5 and 6 as being obvious over the Poe '528 patent and Claims 9-20 as being obvious over the Poe '528 patent in view of the Johnson '847 patent and U.S. Patent No. 6,672,547 to Peter Westerberg, et al. Independent Claims 1, 10 and 17 have now been amended to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. As a result of the amendments to independent Claims 1, Claim 3 has been rewritten in dependent form. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the present application and allowance of the pending set of claims.

Independent Claim 1 describes an apparatus for attaching a cable to a structure that includes an elongated rod having a varying cross-section in a longitudinal direction, first and second elongate sleeves mounted on the elongated rod and at least one attachment element carried by at least one of the sleeves. Since the apparatus is designed to engage a structure, attachment of a cable to the attachment element effectively attaches the cable to the structure. The apparatus of independent Claim 1 includes first and second elongate sleeves mounted on the elongated rod in a first position to facilitate insertion of a portion of the first sleeve in a hole defined by the structure and a portion of the second sleeve in the first sleeve. See, for example, Figure 2 of the present application. As further amended, independent Claim 1 recites that the first and second sleeves are capable of being axially translated along the elongated rod to a second position to facilitate engagement of the portion of the first sleeve within the hole and to cause radial expansion of the portion of the second sleeve within the first sleeve to facilitate a positive engagement of the expanded portion of the second sleeve with the first sleeve. See, for example, Figure 3 of the present application. Thus, at least two sleeves can be mounted on the elongated rod in such a manner that the first sleeve can be inserted into the hole so as to engage the structure and the second sleeve can be inserted into and thereafter engage the first sleeve as a result of its radial expansion.

Relative to the cited references, the Official Action notes that the Poe '528 patent describes only a first sleeve and fails to describe a second sleeve. As such, the Official Action cites the Johnson '847 patent for its disclosure of a first sleeve 43 and a second sleeve 30 with the second sleeve 30 including a tapered portion that fits within the first sleeve.

In order to combine references to formulate an obviousness rejection, there must be some motivation or suggestion for the combination that is drawn from the references themselves, the nature of the problem to be solved or the general knowledge of one skilled in the art. In this regard, the Official Action states that "[i]t would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the second sleeve to Poe's first sleeve as taught by Johnson to provide wedge support in the first sleeve when mounted in the hole to connect permanently between the apparatus and the hole of structure."

Applicant submits, however, that the motivation for the combination that is submitted by the Official Action is misplaced in this instance. In this regard, the Poe '528 patent describes a fastener having an expansible part 2 disposed within a mounting aperture and a plunger or expander part 1 that is specifically designed to be inserted within the expansible part. As shown in Figures 3 and 4, the expander part has a specific shape so as to cause the fingers of the expansible part to be forced radially outward and therefore be expanded as the expander part is inserted further therein. See, for example, Figures 3 and 4 the Poe '528 patent.

The Poe '528 patent therefore discloses a particular technique for expanding the fingers 19 of the expansible part 2 such that there would be no motivation or suggestion for a person of skill in the art to look to the Johnson '847 patent for another technique for expanding the fingers 19 of the expansible part 2. Indeed, any effort to utilize the techniques described by the Johnson '847 patent in terms of radially expanding the fingers 19 of the expansible part 2 of the Poe fastener would render the particular shape and configuration of the expander part 1 of the Poe '528 patent immaterial and without any purpose, thereby cutting against the purported motivation for the combination of the cited references.

In this regard, MPEP § 2143.01 (VI) notes that any proposed modification or combination cannot change the principal of operation of the prior art being modified. Any effort to modify the Poe '528 patent to include the expansion techniques described by the Johnson '847

patent would improperly change the principal of operation of the Poe fastener by causing the fingers 19 of the expansible part 2 to be expanded, not by the specifically shaped expander part 1, but by a second sleeve as described by the Johnson '847 patent. As such, it is submitted that the Poe '528 patent and the Johnson '847 patent cannot properly be combined, thereby overcoming each ground of rejection that relies upon such combination.

Even if the references were combined, however, no combination of the cited references teaches or suggests an apparatus as recited by amended independent Claim 1. In particular, none of the cited references teaches or suggests an apparatus with first and second sleeves mounted on an elongated rod and capable of being axially translated along the rod to facilitate the positive engagement of a portion of the first sleeve within a hole and to cause radial expansion of a portion of the second sleeve within the first sleeve to facilitate the positive engagement of the expanded portion of the second sleeve with the first sleeve. In this regard, the Official Action indicates that sleeve 30 of the Johnson '847 patent may be considered a second sleeve that is inserted into and engages the first sleeve formed by the expansible part 2 of the Poe '528 patent. Even if the Poe '528 patent and the Johnson '847 patent were combined in this manner, the second sleeve, that is, sleeve 30 of the Johnson '847 patent, is not designed to radially expand within the first sleeve so as to positively engage the first sleeve, as now recited by amended independent Claim 1. Indeed, the sleeve 30 of the Johnson '847 patent is not described to expand in any manner, but is, instead, inserted into a conical recess defined by sleeve 28 so as to cause the surrounding sleeve 28 to expand. In contrast, independent Claim 1 has been amended to recite that the second sleeve interacts with the elongated rod so as to be radially expanded within the first sleeve.

As such, even if the Poe '528 patent and the Johnson '847 patent were combined, no combination of the references teaches or suggests the apparatus of amended independent Claim 1 in which axial translation of the second sleeve along the elongated rod causes the radial expansion of the portion of the second sleeve within the first sleeve so as to facilitate the positive engagement of the expanded portion of the second sleeve with the first sleeve. While the Westerberg '547 patent discloses a holder mounted upon a fastener member, the Westerberg

'547 patent also fails to teach or suggest this feature of the apparatus of amended independent Claim 1 and is not cited for any such disclosure.

For each of the foregoing reasons, Applicant submits that amended independent Claim 1, as well as Claims 3-10 that depend therefrom, are not taught or suggested by the cited references, taken either individually or in combination. As such, the rejection of Claims 1 and 3-10 is therefore overcome.

Independent Claims 10 and 17 have also been amended to recite the first and second sleeves and the interplay therebetween. In this regard, amended independent Claim 10 also defines an apparatus for attaching cables to a structure that includes an elongated rod, first and second elongate sleeves mounted on the elongated rod and a tie member capable of attaching the cable to at least one of the first and second sleeves. As now amended, independent Claim 10 further recites that the first and second sleeves are mounted upon the elongated rod in a first position and are capable of being axially translated along the elongated rod to a second position such that the first sleeve expandably engages within a hole defined by the structure while the second sleeve is configured to radially expand within the first sleeve to facilitate a positive engagement of the expanded portion of the second sleeve with the first sleeve. Likewise, amended independent Claim 17 recites a method of attaching a cable to a structure that includes the steps of: (i) providing an elongated rod and first and second elongate sleeves that are capable of being axially translated along the rod, (ii) inserting a portion of the first sleeve into a hole defined by the structure, (iii) translating the first and second sleeves axially along the rod to facilitate positive engagement of the first sleeve within the hole and to cause radial expansion of the second sleeve within the first sleeve to facilitate a positive engagement of the second sleeve with the first sleeve, and (iv) attaching at least one cable to the first and/or second sleeve(s).

For at least the reasons described above in conjunction with independent Claim 1, amended independent Claims 10 and 17 are not taught or suggested by the cited references, taken either individually or in combination. Indeed, none of the cited references and, therefore, no combination of the cited references teaches or suggests an apparatus having first and second sleeves mounted upon an elongated rod and capable of being axially translated therealong with the second sleeve being configured to radially expand within the first sleeve to facilitate the

positive engagement of the expanded portion of the second sleeve with the first sleeve as set forth by amended independent Claim 10. Similarly, none of the cited references and, therefore, no combination of the cited references teaches or suggests translating the first and second sleeves axially along an elongated rod to cause the radial expansion of the second sleeve within the first sleeve so as to facilitate the positive engagement of the second sleeve with the first sleeve as also recited by amended independent Claim 17.

For each of the foregoing reasons, Applicant submits that amended independent Claims 10 and 17, as well as Claims 11-16 and 18-20 that depend therefrom, are not taught or suggested by the cited references, taken either individually or in combination. As such, the rejection of Claims 1-20 is therefore overcome.

As noted above, the rejection of the dependant claims is overcome for the same reasons as set forth above in conjunction with the respective independent claims. However, a number of the dependant claims include additional recitations that are not taught or suggested by any proper combination of the cited references and therefore provide additional bases for overcoming the current grounds of rejection. In this regard, dependant Claims 5 and 13 recite that the elongated rod includes a plurality of pairs of first and second portions with the first and second portions having been defined by previous dependant claims to have different cross-sectional shapes with the cross-sectional shape of the second portion being larger than the cross-sectional shape of the first portion.

The Official Action notes that the Poe '528 patent fails to describe a rod having a plurality of first and second portions but indicates that "it would have been obvious for one of ordinary skill in the art at the time the invention was made to have added plurality of first and second portions to the elongated rod to increase height of elongated rod to support additional sleeve attachment element on the rod." It is submitted, however, that it would not have been obvious for one of ordinary skill in the art to have increased the height of the rod to permit additional sleeves to be mounted thereon. Indeed, any effort to design the rod to include additional pairs of first and second portions would increase the height of the rod as noted by the Official Action which would not necessarily be advantageous in the applications contemplated by the Poe '528 patent. In this regard, column 5, lines 45-47 of the Poe '528 patent specifically

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contemplates means for making the handle 29 detachable so as to not project above the surface of handle 24 once the fastener has been installed. As such, it is submitted that it would not have been obvious to one of ordinary skill in the art to increase the height of the elongated rod so as to include additional pairs of first and second portions as contemplated by Claims 5 and 13 since such lengthening of the handle would not appear to be advantageous for the applications contemplated by the Poe '528 patent. For this additional reason, it is submitted that the rejections of dependent Claims 5 and 13, as well as Claims 6, 7, 14 and 15 which depend therefrom, are also overcome.

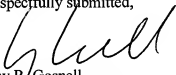
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Conclusion

In view of the amendments to the claims and the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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